

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

THOMAS WRAY HERNDON,

Plaintiff,

v.

THE STATE OF NEVADA ex rel NDOC,  
*et. al.*,

Defendants.

Case No. 3:22-CV-00271-ART-CLB

**ORDER TO FILE OPPOSITION TO  
MOTION FOR SUMMARY JUDGMENT**

On November 29, 2023, Defendants filed a motion for summary judgment. (ECF No. 37.) Plaintiff was given notice of the motion pursuant to the requirements of *Klingele v. Eikenberry*, 849 F.2d 409 (9th Cir. 1988), and *Rand v. Rowland*, 154 F.3d 952 (9th Cir. 1998) (ECF No. 38). On December 27, 2023, the Court received a document from Plaintiff titled "Request for Submission on Motion" (ECF No. 39). The document is not responsive to the motion for summary judgment, but instead asks for appointment of counsel, states that law library access is limited, and states—without evidence or support—that Defendants' motion for summary judgment should be denied. (*Id.*)

Accordingly, in light of Plaintiff's filing, the Court will *sua sponte* grant Plaintiff one extension of time to **January 26, 2024**, to file an opposition to the motion for summary judgment. No further extensions of time shall be granted. If Plaintiff fails to file an opposition, the motion will be submitted to the court for decision.

**IT IS SO ORDERED.**

**DATED:** December 27, 2023.

  
UNITED STATES MAGISTRATE JUDGE